

MONTANA LEGISLATIVE HISTORY

Chapter 548 19 87

Bill H 639 S _____ Original bill & history C

H. Committee on Local Government

Hearing Date(s) Feb 13 ✓C

_____ C

_____ C

_____ C

Date Out Feb 13 ✓C

S. Committee on Local Government

Hearing Date(s) Mar 05 ✓C

Mar 10 ✓C

_____ C

_____ C

Mar 24 ✓C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

HOUSE FINAL STATUS

TRANSMITTED TO SENATE
 2/19 REFERRED TO LOCAL GOVERNMENT
 3/05 HEARING
 3/12 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/20 REREFERRED TO LOCAL GOVERNMENT
 3/24 HEARING
 3/25 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/30 2ND READING CONCURRED 28 14
 3/30 3RD READING CONCURRED 33 17

 RETURNED TO HOUSE WITH AMENDMENTS
 4/08 2ND READING AMENDMENTS CONCURRED 72 15
 4/09 3RD READING AMENDMENTS CONCURRED 84 12
 4/14 SIGNED BY SPEAKER
 4/14 SIGNED BY PRESIDENT

 4/15 TRANSMITTED TO GOVERNOR
 4/20 SIGNED BY GOVERNOR
 CHAPTER NUMBER 548 EFFECTIVE DATE: 10/01/87

HB 640 INTRODUCED BY SWIFT
 REQUIRE WORKER TO NOTIFY OF INJURY WITHIN 30 DAYS
 TO CLAIM WORKERS' COMPENSATION

2/06 INTRODUCED
 2/06 REFERRED TO BUSINESS & LABOR
 2/12 HEARING
 2/12 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/14 2ND READING PASSED 49 47
 2/16 3RD READING PASSED 50 44

 TRANSMITTED TO SENATE
 2/17 REFERRED TO LABOR & EMPLOYMENT RELATIONS
 3/12 HEARING
 3/13 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
 3/18 2ND READING CONCURRED 50 0
 3/20 3RD READING CONCURRED 49 0

 RETURNED TO HOUSE WITH AMENDMENTS
 3/25 2ND READING AMENDMENTS CONCURRED 98 0
 3/26 3RD READING AMENDMENTS CONCURRED 94 3
 3/31 SIGNED BY SPEAKER
 4/01 SIGNED BY PRESIDENT

 4/01 TRANSMITTED TO GOVERNOR
 4/06 SIGNED BY GOVERNOR
 CHAPTER NUMBER 352 EFFECTIVE DATE: 10/01/87

HB 641 INTRODUCED BY MENAHAN, ET AL.
 TREATMENT OF MINORS AT MONTANA STATE HOSPITAL

2/06 INTRODUCED
 2/06 REFERRED TO HUMAN SERVICES & AGING
 2/07 FISCAL NOTE REQUESTED
 2/12 HEARING
 2/13 FISCAL NOTE RECEIVED
 2/16 COMMITTEE REPORT--BILL PASSED AS AMENDED
 2/18 2ND READING PASSED AS AMENDED 88 4
 2/20 3RD READING PASSED 85 6

 TRANSMITTED TO SENATE
 2/21 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
 3/25 HEARING
 3/26 COMMITTEE REPORT--BILL CONCURRED AS AMENDED

MINUTES OF THE MEETING
LOCAL GOVERNMENT COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 13, 1987

The meeting of the Local Government Committee was called to order by Chairman Norm Wallin on February 13, 1987 at 12:30 p.m. in Room 312-F of the State Capitol.

ROLL CALL: Roll call was taken with all members present. Reps. Bulger, Gilbert, Ramirez and Sales joined the meeting at 1:00 p.m. Lee Heiman, Committee Counsel, from the Legislative Council was also present.

CONSIDERATION OF HOUSE BILL 639: Rep. Dick Corne, House District 77 and sponsor of the bill stated HB 639 would provide for the registration of individuals to act as process servers. He stated Sections 1 through 8, pages 1 through 4, were the new language that provided for registration of process servers, established fees, bonding requirements, revocation or suspension of certificates and required proof of service. Sections 9 through 27, pages 5 through 13 add to the existing statutes the words "registered process server". Rep. Corne stated this responsibility is primarily carried out by sheriffs and their departments and they could better utilize their time. Rep. Corne proposed an amendment to be inserted in Section 4, page 3 following line 6 (Exhibit 1).

PROPOSERS: Larry Jent, Bozeman Attorney, stated the first purpose of the bill was to clarify existing law by specifically allowing a private person, if licensed and bonded by the state, to serve writs of execution, writs of garnishment and so forth. He commented that law enforcement is needed only during the execution process for seizing a vehicle to pay a judgement. When a vehicle needs to be picked up, the sheriff's department goes with a tow truck operator to get the vehicle. Mr. Jent stated there would be no difference in a private person with a badge going with the tow truck operator than a sheriff going.

Mr. Jent stated the rest of the actions contemplated by the bill involve the serving and delivery of court papers. The bill establishes controls and registration over those people who serve as private process servers.

He stated that often a writ of execution stays in the sheriff's office for four to five days or longer before being served. Often people who owe money or have property which could be held for the judgements are present in the

county but by the time the sheriff delivers the writ, the property is gone or the people have cleared their bank accounts. Mr. Jent stated the people who are affected by this slow service of papers are generally small businesses trying to collect small judgements.

Another reason for the legislation is when a private attorney serves a praecipe, he can only tell the sheriff to seize one thing. A private process server could have the general writ of execution and could do the research that credit bureaus and other entities do and it would be one process to collect a judgement. A private process firm could do that and make money. The sheriff's department is not in that business of finding assets nor did Mr. Jent feel they should be.

Mr. Jent stated the justification for the bill was it would take a government function and allow private citizens to have a hand in it. He stated it takes a lot of manpower to serve these papers and if firms were allowed to do this on a free enterprise basis, it would create jobs and save tax dollars. Mr. Jent stated using a private process server would be more efficient and would be a welcome and needed change.

OPPONENTS: None.

DISCUSSION (OR QUESTIONS) ON HB 639: Rep. Hoffman asked what the fees are that the process server would charge?

Myles Eaton, Bozeman Attorney, replied they have copied the fee schedule the sheriff's department uses. They charge 20¢ a mile as the sheriff does and they charge for research time which the sheriff does not do.

Rep. Wallin asked in regards to the wrecker that goes out to get a vehicle, if the process server goes along with the wrecker or if the wrecker is given a badge and picks up the vehicle himself?

Mr. Jent replied the process server would do what the sheriff does which would be to go along and carry the papers.

Chairman Wallin asked if the process server picked up the papers from the sheriff?

Mr. Jent replied he would pick up the writ of execution from the justice of the peace or the clerk of district court.

Rep. Corne closed on HB 639.

DISPOSITION OF HOUSE BILL 639: Rep. Brandewie moved to DO PASS HB 639.

Lee Heiman revised the amendment and read it to the committee.

Rep. Pistoria moved the amendment. The question was called and the motion carried unanimously.

Rep. Brandewie moved DO PASS on HB 639 AS AMENDED. The question was called and the motion carried unanimously.

CONSIDERATION OF HOUSE BILL 646: Rep. Barry Stang, House District 52 and sponsor of the bill, stated there were amendments to the bill (Exhibit 2). He stated the purposes of the bill were to give people a vehicle to enable them to get electricity in an area. The bill adds rural improvement districts to the law that takes care of the special improvement districts of cities and towns. It also gives the county the chance to set up a rural improvement district for people who feel they need it.

Rep. Stang stated the bill was set up to help people that live approximately 15 miles from his town. They have been negotiating with MT Power and a couple of the coops to get electricity and in order to get it to that area it would cost approximately \$250,000. The five people wanting to get the service would have to split that amount between them. After five years, other people could hook up for nothing. Rep. Stang commented the bill allows these people to go to their county commissioners and set up a rural improvement district. The process is then everyone would be taxed accordingly for the \$250,000.

PROPONENTS: Bob Quinn, MT Power, stated they were in favor of the legislation. He stated MT Power generally will offer an optional method of financing for putting in electricity in rural areas. He said they have put a lot of work into the legislation and hoped the committee would pass it.

OPPONENTS: None.

DISCUSSION (OR QUESTIONS) ON HOUSE BILL 646: Rep. Sales asked what the difference was before the amendment?

Lee Heiman responded that it seemed to raise a specter of public utility districts with the SID owning the line themselves. This way the applicable power company would own the lines.

Rep. Gould asked with the bill, if the majority does not want a service and the minority does, would the service go in and would it be by area or number of freeholders?

STANDING COMMITTEE REPORT

February 13

19 37

Mr. Speaker: We, the committee on LOCAL GOVERNMENT

report EB 639

☒ do pass
☐ do not pass

☐ be concurred in
☐ be not concurred in

☒ as amended
☐ statement of intent attached

Rep. Norm Wallin

Chairman

1. Page 3, line 1.
Following: "servers"
Insert: "-- identification"
Following: "servers."
Insert: "(1)"

2. Page 3.
Following: line 5
Insert: "(2) During the course of serving process or acting as a
levying officer, a registered process server must have in
his possession a badge with the number assigned under
subsection (1) and an identification card that has attached
a photograph of the registered process server."

FIRST

WHITE

reading copy ()
color

CLERICAL

Date: 3/31
Time: 9:00

House Bill 639

In accordance with Joint Rule 3-7(b) the following clerical errors may be corrected:

House Committee on Local Government 3/10

blue copy
page 1, line 19
strike "8"
insert "9"

#20. Insert: "(3) The county attorney..."

Sponsor

Secretary of Senate
or
Chief Clerk

David Wilkin
B3-31-87
15:00

KH

Legislative Council

Rep. Council



The Big Sky Country

MONTANA HOUSE OF REPRESENTATIVES

~~Section~~ Section 4. ^{after} P. 3, & ~~of~~
add. Each process server /levying
officer shall carry in his
possession a badge with
his identifying number
hereon, ~~and~~ as well as
a photographic I.D.

LOCAL GOVERNMENT

HB 639
BILL NO. _____

SPONSOR REP. CORNE

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FO

CS-33

3/06 COMMITTEE REPORT--BILL CONCURRED
3/10 2ND READING CONCURRED
3/12 3RD READING CONCURRED

50 0
50 0

RETURNED TO HOUSE
3/16 SIGNED BY SPEAKER
3/17 SIGNED BY PRESIDENT

3/18 TRANSMITTED TO GOVERNOR
3/22 SIGNED BY GOVERNOR

CHAPTER NUMBER 170 EFFECTIVE DATE: 3/22/87

HB 636 INTRODUCED BY WINSLOW
IMMUNITY FOR DIRECTORS AND OFFICERS OF NONPROFIT
CORPORATIONS

2/06 INTRODUCED
2/06 REFERRED TO JUDICIARY
2/17 HEARING
2/20 TABLED IN COMMITTEE

HB 637 INTRODUCED BY WINSLOW
ALLOW LEGISLATURE TO DETERMINE WELFARE AND HUMAN
SERVICE BENEFITS

2/06 INTRODUCED
2/06 REFERRED TO HUMAN SERVICES & AGING
2/12 HEARING
2/16 COMMITTEE REPORT--BILL PASSED
2/18 2ND READING PASSED
2/19 3RD READING PASSED

66 32
70 30

TRANSMITTED TO SENATE
2/21 REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY
3/13 HEARING
3/23 COMMITTEE REPORT--BILL CONCURRED
3/26 2ND READING CONCURRED
3/28 3RD READING CONCURRED

32 18
33 17

RETURNED TO HOUSE
4/01 SIGNED BY SPEAKER
4/02 SIGNED BY PRESIDENT
CHAPTER NUMBER 343 EFFECTIVE DATE: 1/01/69
CONTINGENT ON VOTER APPROVAL

HB 638 INTRODUCED BY ADDY
AMEND FISCAL MATTERS RELATING TO COUNTY ROAD LOCAL
IMPROVEMENT DISTRICTS

2/06 INTRODUCED
2/06 REFERRED TO LOCAL GOVERNMENT
2/09 HEARING
2/16 TABLED IN COMMITTEE

HB 639 INTRODUCED BY CORNE', ET AL.
PROVIDE FOR REGISTERED PROCESS SERVER

2/06 INTRODUCED
2/06 REFERRED TO LOCAL GOVERNMENT
2/13 HEARING
2/14 COMMITTEE REPORT--BILL PASSED AS AMENDED
2/17 2ND READING PASSED
2/18 3RD READING PASSED

92 :
55 :

PROPOSERS:

Alec Hansen, League of Cities and Towns, said that counties already have this option and said that lines 13 through 17 closely parallel county authority.

Ramona Tow, the City Clerk of Glasgow, felt this bill would give cities more prudent buying power and help them to remain within their budgeting appropriations.

Allen Tandy, Billings City Manager, spoke in support of the bill. (See Exhibit 1)

Chuck Stearns, lobbying for the City of Missoula Finance Office, urged support for the bill.

OPPOSERS:

There were none.

QUESTIONS FROM THE COMMITTEE:

Senator Beck said the codes presently provide a bid stipulation from \$10,000 to \$25,000 and wondered why that hadn't been included in the bill. Rep. Williams said that would broaden the scope of the bill considerably. It was discussed and determined that this was the only amendment the cities really needed in this area, he said.

CLOSING: Rep. Williams closed the hearing. Sen. Walker was assigned to carry the bill in the Senate.

CONSIDERATION OF HOUSE BILL 639: Richard Corne, of Bozeman, representing District #77, said his bill provides for the registration of licensed individuals to be process servers to serve writs of execution. On pages 1 through 4, Sections 1 through 8, new language added to the codes provides for licensing, fees for licensing, bonding requirements, revocation and suspension of their certificates and required proof of service. He said he wished to call attention to an amendment that the House had placed on the bill, requiring the process servers to carry a badge and identification, but no provision had been made for the issuer of these items. He suggested that the Senate Local Government committee amend in that the Clerk and Recorder do that and provide a fee for doing so.

PROPOSERS:

Larry Jent, Attorney from Bozeman, Montana, representing Swanson-Eaton process servers, said the bill does two major

things: It licenses process servers and allows them to serve writs of execution. He said that present statute is unclear and that even the Attorney General will not give a written opinion regarding the serving of writs of execution. The California Codes of Civil Procedure was used as a model in drafting the bill, according to Mr. Jent. He said a writ of execution is a court paper which allows the sheriff to collect a civil court judgment, regarding wages, collect funds from a bank, pick up an automobile, or whatever the judgment stipulates is to be collected. The problem with the sheriff is that he has an ever increasing workload and that the serving of summons falls ever-further behind.

Mr. Myles Eaton was himself cleared by the State Public Service Commission for writs of execution, but was advised by Mr. Jent that an amendment to the state codes was necessary for statutory authorization. He mentioned instances where collection of judgments was delayed because the sheriff's office was busy, and by the time the writ could be served, the money and/or car were out of town. Time is very important in this area, he said. The service does not cost government any more money, and in fact provides jobs -- three in Gallatin County at present, and many more if process servers are allowed to be licensed and recognized, he felt. He supported the amendments suggested by Rep. Corne. The "levying officer" referred to in the bill is the process server, said Mr. Jent, and he suggested that the Clerk of the District Court be named to license.

Greg Jackson, lobbyist for the Montana Clerk and Recorders, Association, said he had prepared amendments for Karen Renne, committee legal researcher, to distribute later in the meeting. They would change the "Clerk and Recorder" to the "Clerk of District Court", where it is more appropriate. Secondly, they would say the fees to the District Court Fund, or if there is no District Court Fund, it would go to the General Fund. Thirdly, p. 4, Sec. 7 the suspension stipulation would be assigned to the County Attorney rather than the County Clerk and Recorder. Fourth, p. 4, Sec. 7, (3) the county attorney shall notify the clerk of district court of suspension, revocation or reinstatement. (Refer to EXHIBIT 2.)

Gary Dupee, owner of Guard Process Servers here in Helena, spoke in favor of the bill, but felt it should include something about testing or examinations for the process servers. He felt the licensing should require more stringent requirements. He felt the amendment requiring a badge should be amended out since private investigators are not allowed to carry badges.

OPPONENTS:

Tom Harrison, lobbyist for the Montana Sheriffs' and Peace Officers' Association, said he is not really an opponent of the entire bill but had some problems with the badge, which he thought there might be some confusion because the badge would be "deceptively similar" to those carried by peace officers. He had empathy for collecting on small judgments, but said on the other end of the scale, there are judgments for large sums i.e. he had one for \$75,000. He felt the bonding requirement of \$2,000 inadequate for levying on a bond for \$75,000 or even more out of a bank account. He is worried there would be temptation for the process server to take off to Acapulco. Further, if the process server disappears after the judgment has been collected, where does that leave the plaintiff.

Clayton Bain, Chairman of the Board of Private Investigators, and Director of the Montana Peace Officers' Training Council, strongly objected to the amendment made in the House whereby a badge would be issued.

QUESTIONS FROM THE COMMITTEE:

Sen. Beck asked if the private process servers would collect the same fees for their services set by statute. He felt the fees charged by the sheriff were quite low and wondered about the advantage of using private process servers. Mr. Jent said the fees would be either the same or very little higher, but that collecting the judgment was a timely matter and that the sheriff didn't always have time to do it when it was most critical.

Sen. Pinsoneault asked how Mr. Jent felt about the possibility of a process server absconding with "\$75,000" and taking off for "Acapulco." Mr. Jent agreed that the bonding requirement should be commensurate with the judgment.

Sen. Pinsoneault asked how a process server was instructed in the exact piece of property on which to levy. Mr. Jent said the lawyer gives a praecipe (instruction) to the levying officer, which gives exact instructions. This is also a requirement when asking the sheriff to levy. Mr. Jent said it is the lawyer's responsibility to know which properties are exempt from execution, such as a Workers' Compensation settlement.

Sen. Harding asked if the Clerks of District Court had been consulted about being named in this bill. Tom Harrison said it was his understanding that the amendment was made with their approval and that the writs would also be issued by them.

Sen. Walker asked if there would be any objection to raising the bonding authority. Mr. Harrison agreed that it should be done.

Sen. Crippen asked if amending out the badge would be agreeable to the sponsors. Rep. Corne said he had no objection.

Sen. Crippen asked who would have the legal responsibility for writs served. Rep. Corne thought it could be placed in the hands of the Department of Commerce and creating a licensure board, but they didn't want to do that at this time. They wanted some time to test out the system.

Myles Eaton said he trains his own process servers to read a praecipe. His firm does extensive research and has a 95% success rate and has even served when the sheriff has been unsuccessful, he said. The servers are thoroughly instructed on what they can and can't do. As to the writs, he said they have requests from banks to collect writs of execution. The process server presently doesn't have the authority, and the sheriff may not have time to do it. He said he learned by experience and that an exam is not required at present. He said that his firm presently does business with 50-60% of the Bozeman attorneys, as well as for attorneys in Missoula, Billings and in Helena. His firm is able to complete the service faster and charge exactly the same fees as the sheriff would, he said. He agreed there should be basic rules for training and bonding.

Sen. Vaughn asked what type of training he would suggest and Mr. Eaton said it could be similar for licensing to sell insurance. A book can be purchased from the state book store and an exam is then given on the material in the book.

Sen. Beck asked how many private processors there presently are in the state. Mr. Eaton said he only knows of those in his firm - a total of 26.

Sen. Crippen asked specifically how the process servers trained in his firm. Mr. Eaton said the training includes instruction on what can be served: subpoenas, summons, notices, and how it is to be done. They must identify themselves, and must show the original to the person. They must state it is a summons of the District Court or Justice Court. The person must be asked to read the original and then they are handed the copy. Logging must be done on time and date the complaint is received and served. The server must write a history of the serving--how, what, where, who said what. The attorney must be notified. A new server serves an apprenticeship period when an experienced server goes along until the person

is trained. The process server must follow the proper procedure exactly, or they do not stay in his employ, he said.

CLOSING: Rep. Corne said he hoped the committee would address the proposed amendments and closed the hearing.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL 563: Sen. Harding moved that HB 563 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. Sen. Harding was assigned to carry the bill.

ACTION ON HOUSE BILL 624: Sen. Walker MOVED HB 624 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY. Sen. Walker was assigned to carry the bill.

CONSIDERATION OF HB 734: Rep. Tom Bulger of Great Falls, representing District #37, sponsored the bill, However, he was not present at this portion of the meeting, so the bill was presented by Sen. Story. The purpose of the bill is to provide uniform public notice for public bond sales.

PROPONENTS:

Craig Jones, representing D. A. Davidson, said that House Bill 734 was presented at the request of the House Local Government Committee to allow for a more orderly issuance of obligations to provide proceeds in time to permit funds for construction, while also take construction bids. If the bonding is done before the project, it allows the money to be available, but there is either too little or too much money bonded.

The two-week advertising period will allow for advertising for the bonds and receive the bond proceeds. The time frame will allow them to pay the contractors on time. The 4-week period does not enhance the marketability of the bonds, he said. Also, there should be a savings of taxpayer's money in addition.

Brooks Morin, representing the City of Helena, supported the bill.

OPPONENTS:

There were none.

QUESTIONS BY THE COMMITTEE:

Sen. Eck asked how the Clerk and Recorders would feel about this bill. Sen. Harding thought it would be accepted as a good bill, after hearing Mr. Jones presentation.

ROLL CALL

SENATE LOCAL GOVERNMENT COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Mar. 5, 1987

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN	✓		
R. J. PINSONEAULT	✓		
TOM BECK	✓		
DOROTHY ECK	✓		
H. "SWEDE" HAMMOND	✓		
ETHEL HARDING	✓		
LES HIRSCH	✓		
PETER STORY	✓		
ELEANOR VAUGHN	✓		
MIKE WALKER	✓		

Each day attach to minutes.

DATE: March 5, 1987

COMMITTEE ON Local Government

VISITORS' REGISTER.

[illegible]

AMENDMENT FOR HB 639

1. Page 1, line 17.
Strike: "county clerk and recorder"
Insert: "clerk of the district court"
2. Page 1, line 22.
Following: "employment;"
Insert: "or"
3. Page 1, lines 23 through 25.
Following: "attorney"
Strike: remainder of line 23 through "investigator" on line 25
4. Page 2, line 20.
Following: "fund"
Insert: "for district court operations, unless the county has a district court fund. If the county has a district court fund, the fee must be deposited in that fund"
5. Page 2, following line 23.
Insert: "NEW SECTION. Section 4. Training and certification of process servers. (1) The Montana law enforcement academy shall offer a course of instruction for process servers and laying officers at least twice during each calendar year after 1987. Each enrollee who completes the course and passes an examination administered by the law

AMENDMENT FOR HB 639

as a trained process server and levying officer.

(2) Upon applying to the clerk of the district court of any county for registration as a process server, an applicant shall apply for admission to the law enforcement academy course described in subsection (1). Failure to enroll in and successfully complete this course within a year after receiving a certificate of registration is grounds for revocation of the certificate.

(3) Each process server who enrolls in the course described in subsection (1) shall pay a tuition fee to the law enforcement academy that is sufficient to pay his share of the costs of offering the course."

Reamend: subsequent sections

6. Page 3, line 2.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

7. Page 3, line 4.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

8. Page 3, line 10.

Following: "POSSESSION"

Strike: "A BADGE"

Insert: "an identification card"

9. Page 3, line 11.

Following: "AND"

Strike: remainder of line 11

10. Page 3, line 12.

Following: "SERVER."

Insert: "The clerk of the district court shall furnish the identification card, the cost of which must be reimbursed by the process server."

11. Page 3, lines 13.

Following: "required."

Insert: "(1)"

12. Page 3, lines 13 and 14.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

AMENDMENT FOR HB 639

19

13. Page 3, line 16.

Following: "bond of"

Strike: "\$2,000"

Insert: "\$10,000 per individual or \$100,000 per firm"

14. Page 3, line 17.

Following: "through"

Strike: "8"

Insert: "9"

15. Page 3, following line 18.

Insert: "(2) A levying officer may not levy on a judgment that exceeds the value of the bond."

16. Page 3, line 24.

Following: "section"

Strike: "5"

Insert: "6"

17. Page 4, lines 3 and 4.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

18. Page 4, line 8.

Strike: "clerk and recorder"

Insert: "attorney"

19. Page 4, line 11.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

20. Page 4, lines 16 through 20.

Strike: subsection (3) in its entirety

Insert: "(3) The county attorney shall notify the clerk of the district court when a certificate of registration is suspended, revoked, or reinstated."

21. Page 4, line 25.

Following: "section"

Strike: "4"

Insert: "5"

22. Page 13, following line 25.

Insert: "NEW SECTION. Section 29. Extension of authority. Any existing authority of the department of justice to make rules on the subject of the provisions of this act is extended to the provisions of this act."

PROPONENTS: Bruce Restad, General Manager of the Yellowstone County Water District of Billings Heights, and a member of the Montana Rural Water Systems Legislative Committee, appeared before the committee presenting Exhibit 5.

Discussion on reimbursement followed and Chairman Crippen felt an amendment might be necessary.

Senator Beck asked if much money was involved in this land, and Rep. Roth replied no.

Chairman Crippen asked if these water districts are ever purchased by the city. Restad said the city of Billings had purchased some.

Senator Hammond said many times rural water districts are taken over by other districts. He asked if they were required to provide a better water system. He also wondered if the city would have to buy out a district if the land is taken into the city.

Chairman Crippen asked Karen Renne to research possible amendment of the bill and report to the committee.

Representative Roth closed the hearing.

EXECUTIVE SESSION:

DISCUSSION ON HOUSE BILL 549: Senator Harding said in her county there are 3 airports. She felt this bill resulted from a disagreement between Ronan and Polson regarding airport improvements. She said because there is more valuation and more population, Polson would probably have an advantage. The airport bond deals with funding for all three airports. This bill would create a district around Polson, but might have an effect on St. Ignatius. The bill came to be because of Polson's airport attempting to enlarge.

Chairman Crippen felt all parties involved should have a meeting with Karen Renne to see if amendments are needed. No action was taken.

ACTION ON HOUSE BILL 639: Karen Renne distributed amendments on House Bill 639, Exhibit 6, stating they refer to training, identification, bonding and clerk of district court provisions.

LOCAL GOVERNMENT
March 10, 1987
Page 6

Senator Beck felt in connection with the training, it should be amended to read "at least" 8 hours of training. Chairman Crippen moved it to say just "a course of instruction". The motion CARRIED UNANIMOUSLY.

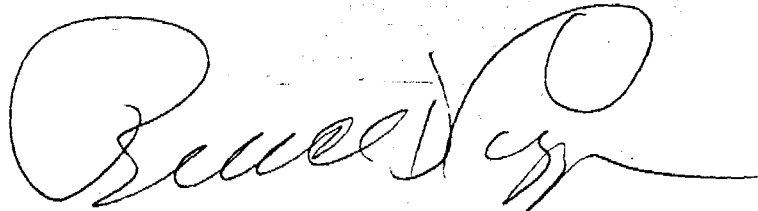
Regarding a fee for the course of instruction, Senator Hammond moved that the fee should cover the cost of the instruction. The motion CARRIED UNANIMOUSLY.

Discussion was held in committee concerning bonding requirements for a process server. Senator Pinsoneault moved to require \$10,000 bonding per process server, or \$100,000 per firm. The motion CARRIED.

Senator Eck moved the Corne amendments (Exhibit 6) be adopted. The motion CARRIED UNANIMOUSLY.

Senator Pinsoneault moved House Bill 639 BE CONCURRED IN AS AMENDED. The motion CARRIED with Senators Harding and Hammond voting no. Senator Pinsoneault was assigned to carry the bill in the Senate.

ADJOURNMENT: There being no further business, the meeting adjourned.

A large, stylized handwritten signature in black ink, likely belonging to Senator Bruce D. Crippen, is written over a horizontal line.

SENATOR BRUCE D. CRIPPEN, Chairman

ry

ROLL CALL

Senate Local Government

COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Nov-10, 1987

NAME	PRESENT	ABSENT	EXCUSED
BRUCE CRIPPEN	X		
R. J. PINSONEAULT	X		
TOM BECK	X		
DOROTHY ECK	X		
H. "SWEDE" HAMMOND	X		
ETHEL HARDING	X		
LES HIRSCH	X		
PETER STORY	X		
ELEANOR VAUGHN	X		
MIKE WALKER	X		

Each day attach to minutes.

Senate Committee on Local Government

March 10, 1987

AMENDMENTS TO HOUSE BILL 639

(requested by sponsor*) CORNE

*1. Page 1, line 17.

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

2. Page 1, line 22.

Following: "employment;"

Insert: "or"

3. Page 1, lines 23 through 25.

Following: "attorney"

Strike: remainder of line 23 through "investigator" on line 25

*4. Page 2, line 20.

Following: "fund"

Insert: "for district court operations, unless the county has a district court fund. If the county has a district court fund, the fee must be deposited in that fund."

5. Page 2, following line 25.

Insert: "NEW SECTION. Section 4. Training and certification of process servers. (1) The Montana Law Enforcement Academy shall offer an 8-hour course of instruction for process servers and levying officer at least twice during each calendar year after 1987. Each enrollee who completes the course and passes an examination administered by the Law Enforcement Academy must be certified by the Law Enforcement Academy as a trained process server and levying officer.

(2) Upon applying to the clerk of the district court of any county for registration as a process server, an applicant shall apply for admission to the Law Enforcement Academy course described in subsection (1). Failure to enroll in and successfully complete this course within a year after receiving a certificate of registration is grounds for revocation of the certificate.

(3) Each process server who enrolls in the course described in subsection (1) shall pay a tuition fee to the Law Enforcement Academy."

Renummer: subsequent sections

3-10
*6. Page 3, line 2.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

*7. Page 3, line 4.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

8. Page 3, line 10.

Following: "POSSESSION"

Strike: "A BADGE"

Insert: "an identification card"

9. Page 3, line 11.

Following: "AND"

Strike: remainder of line 11

10. Page 3, line 12.

Following: "SERVER."

Insert: "The clerk of the district court shall furnish the
identification card, the cost of which must be
reimbursed by the process server."

*11. Page 3, lines 13 and 14.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

12. Page 3, line 16.

Following: "bond of"

Strike: "\$2,000"

Insert: "\$10,000 per individual or \$100,000 per firm"

13. Page 3, line 17.

Following: "through"

Strike: "8"

Insert: "9"

14. Page 3, line 24.

Following: "section"

Strike: "5"

Insert: "6"

*15. Page 4, lines 3 and 4.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

..

*16. Page 4, following line 7.
Following: "county"
Strike: "clerk and recorder"
Insert: "attorney"

*17. Page 4, line 11.
Following: "county"
Strike: "clerk and recorder"
Insert: "attorney"

*18. Page 4, lines 16 through 20.
Strike: subsection (3) in its entirety
Insert: "(3) The county attorney shall notify the clerk of
the district court when a certificate of registration
is suspended, revoked, or reinstated."

19. Page 4, line 25.
Following: "section"
Strike: "4"
Insert: "5"

20. Page 13, following line 25.
Insert: "NEW SECTION. Section 29. Extension of authority.
Any existing authority of the department of justice to
make rules on the subject of the provisions of this act
is extended to the provisions of this act."

*Amendment requested by the Montana Clerks and Recorders
Association; sponsor concurs

STANDING COMMITTEE REPORT

20000632

March 10, 1987

MR. PRESIDENT

Local Government

We, your committee on.....

House Bill

619

having had under consideration.....

No.

third

blue

reading copy (.....)

color

PROVIDE FOR REGISTERED PROCESS SERVER

Respectfully report as follows. That House Bill No. 619

BE AMENDED AS FOLLOWS:

1. Page 1, line 17.

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

2. Page 1, line 32.

Following: "employment;"

Insert: "or"

3. Page 1, lines 23 through 25.

Following: "attorney"

Strike: remainder of line 23 through "investigator" on line 25

4. Page 2, line 20.

Following: "fund"

Insert: "for district court operations, unless the county has a district court fund. If the county has a district court fund, the fee must be deposited in that fund."

5. Page 2, following line 23.

Insert: "NEW SECTION. Section 4. Training and certification of process servers. (1) The Montana law enforcement academy shall offer a course of instruction for process servers and law enforcement officers at least twice during each calendar year after 1987. Each enrollee who completes the course and passes an examination administered by the law

XXXXXX

XXXXXXXXXX

CONTINUED

Chairman.

March 10,

87

enforcement academy must be certified by the law enforcement academy as a trained process server and levying officer.

(2) Upon applying to the clerk of the district court of any county for registration as a process server, an applicant shall apply for admission to the law enforcement academy course described in subsection (1). Failure to enroll in and successfully complete this course within a year after receiving a certificate of registration is grounds for revocation of the certificate.

(3) Each process server who enrolls in the course described in subsection (1) shall pay a tuition fee to the law enforcement academy that is sufficient to pay his share of the costs of offering the course."

Reambers: subsequent sections

6. Page 3, line 2.
Following: "The"
Strikes: "county clerk and recorder"
Inserts: "clerk of the district court"

7. Page 3, line 4.
Following: "The"
Strikes: "county clerk and recorder"
Inserts: "clerk of the district court"

8. Page 3, line 10.
Following: "POSSESSION"
Strikes: "A BADGE"
Inserts: "an identification card"

9. Page 3, line 11.
Following: "AND"
Strikes: remainder of line 11

10. Page 3, line 12.
Following: "BEFORE"
Inserts: "The clerk of the district court shall furnish the identification card, the cost of which must be reimbursed by the process server."

11. Page 3, lines 13.
Following: "required."
Inserts: "(1)"

12. Page 3, lines 13 and 14.
Following: "The"
Strikes: "county clerk and recorder"
Inserts: "clerk of the district court"

CONTINUED

March 10,

87

19

12. Page 3, line 16.

Following: "bond of"

Strike: "\$2,500"

Insert: "\$10,000 per individual or \$100,000 per firm"

14. Page 3, line 17.

Following: "through"

Strike: "0"

Insert: "9"

15. Page 3, following line 18.

Insert: "(2) A levying officer may not levy on a judgment that exceeds the value of the bond."

16. Page 3, line 24.

Following: "section"

Strike: "5"

Insert: "6"

17. Page 4, lines 3 and 4.

Following: "count,"

Strike: "clerk and recorder"

Insert: "attorney"

18. Page 4, line 8.

Strike: "clerk and recorder"

Insert: "attorney"

19. Page 4, line 11.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

20. Page 4, lines 14 through 20.

Strike: subsection (3) in its entirety

Insert: "(3) The county attorney shall notify the clerk of the district court when a certificate of registration is suspended, revoked, or reinstated."

21. Page 4, line 23.

Following: "section"

Strike: "4"

Insert: "5"

22. Page 13, following line 15.

Insert: "NEW SECTION. Section 29. Extension of authority. Any existing authority of the department of justice to make rules on the subject of the provisions of this act is extended to the provisions of this act."

AND AS AMENDED,
 BE CONCURRED IN

Senator Crippen

Senator Crippen called attention to the location of the hearings, noting that most of the hearings were to be scheduled for the larger cities, and said the counties most affected by consolidation would be the smaller ones. He asked if the people in the low population counties would have an opportunity for input. Senator Gage said anyone in the state could attend the hearings. An attempt had been made to scatter the hearings statewide, but he said he was open to amending the locations.

In closing, Senator Gage said we can continue to "sweep this problem under the rug", or we can do something to cut down on governmental costs in the state of Montana.

EXECUTIVE SESSION

ACTION ON SENATE JOINT RESOLUTION 14: Chairman Crippen said that an amendment had been recommended in (3) page 3, line 17. Senator Story MOVED that the entire subsection BE DELETED. The motion CARRIED UNANIMOUSLY.

Senator Eck moved that SJR 14 DO PASS AS AMENDED. Discussion brought out dissatisfaction in the location of hearings. Senator Eck WITHDREW her motion.

Senator Eck MOVED on page 3, line 10, to strike "Helena" as a location for a public hearing, and insert "Bozeman". Ms. Renne said it was probably an oversight to have listed Helena, and thought it was intended to be Bozeman. The motion CARRIED UNANIMOUSLY.

Senator Story MOVED on page 3, line 3 to strike "Billings" and insert "Roundup". The motion FAILED by a vote of 3 to 6. Those voting NO were Senators Crippen, Pinsoneault, Eck, Harding, Vaughn and Walker.

Senator Eck MOVED that SJR 14 DO PASS AS AMENDED. The motion PASSED by a vote of 6 to 3, the NO votes being cast by Senators Hammond, Hirsch and Story.

ACTION ON HOUSE BILL 639: Ms. Renne distributed amendments requested by the sponsor, attached as Exhibit 1. She explained the amendments and said new language appeared in amendment 5, providing for a handbook to be published by the Department of Commerce. It also provides for an examination and fee.

Senator Eck MOVED the amendments in Exhibit 1. The motion PASSED UNANIMOUSLY.

Senator Eck moved House Bill 639 BE CONCURRED IN AS AMENDED. The committee further discussed bonding and vehicle impounding, and then voted on the bill. The motion CARRIED 6 to 3, with negative votes being cast by Senators Harding, Story and Hammond.

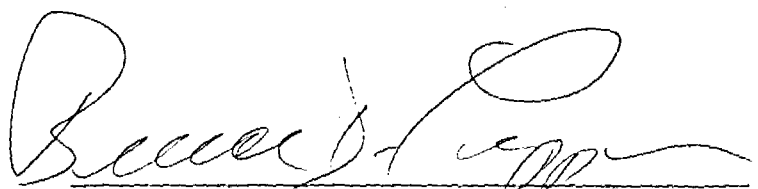
ACTION ON HOUSE BILL 697: Ms. Renne distributed Exhibit 2, amendments requested by the sponsor, Rep. Connelly. She said the main point of the amendments was amendment 2 which provided that "at least 50% of the assessments of the district have been paid by the revolving fund for three consecutive years". It adds another condition to reassess.

Senator Crippen commenting on Section 6 and 7, said the bonds could be refunded, but the payment could be based on the benefits. Senator Story had problems with those sections and MOVED that Sections 6 and 7 be DELETED. The motion PASSED UNANIMOUSLY.

Senator Hirsch MOVED that House Bill 697 AS AMENDED, BE CONCURRED IN. The motion PASSED UNANIMOUSLY. Senator Crippen said Senator Lybeck would carry the bill on the Senate floor.

Karen Renne informed the committee that Montana Tunnels (Pegasus Gold Corporation) had invited the committee to tour the plant in April. Senator Crippen asked that the secretary confer with Mr. John Fitzpatrick for arranging the tour.

The meeting adjourned at 2:15 p.m.



SENATOR BRUCE D. CRIPPEN, Chairman

DATE March 24, 1987
Local Government

[illegible]

Senate Committee on Local Government

March 24, 1987

AMENDMENTS TO HOUSE BILL 639
(revision requested by sponsor)

1. Page 1, line 17.
Strike: "county clerk and recorder"
Insert: "clerk of the district court"
2. Page 1, line 22.
Following: "employment;"
Insert: "or"
3. Page 1, lines 23 through 25.
Following: "attorney"
Strike: remainder of line 23 through "investigator" on line 25
4. Page 2, line 20.
Following: "fund"
Insert: "for district court operations, unless the county has a district court fund. If the county has a district court fund, the fee must be deposited in that fund"
5. Page 2, following line 25.
Insert: "NEW SECTION. Section 4. Handbook for process servers. (1) The department of commerce shall publish a handbook for process servers and levying officers.

(2) Each person who applies to the clerk of the district court of any county for registration as a process server must demonstrate that he has passed an examination based on the handbook and administered by the board of private security patrolmen and investigators provided for in 2-15-1891.

(3) The department of commerce may charge a reasonable examination fee to cover the costs of publishing the handbook and administering the examination provided for in this section."
Renumber: subsequent sections

6. Page 3, line 2.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

7. Page 3, line 4.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

8. Page 3, line 10.

Following: "POSSESSION"

Strike: "A BADGE"

Insert: "an identification card"

9. Page 3, line 11.

Following: "AND"

Strike: remainder of line 11

10. Page 3, line 12.

Following: "SERVER."

Insert: "The clerk of the district court shall furnish the identification card, the cost of which must be reimbursed by the process server."

11. Page 3, lines 13 and 14.

Following: "The"

Strike: "county clerk and recorder"

Insert: "clerk of the district court"

12. Page 3, line 13.

Following: "required."

Insert: "(1)"

13. Page 3, line 16.

Following: "bond of"

Strike: "\$2,000"

Insert: "\$10,000 per individual or \$100,000 per firm"

14. Page 3, line 17.

Following: "through"

Strike: "8"

Insert: "9"

15. Page 3, following line 18.

Insert: "(2) A levying officer may not levy on a judgment that exceeds the value of the bond."

16. Page 3, line 24.

Following: "section"

Strike: "5"

Insert: "6"

17. Page 4, lines 3 and 4.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

18. Page 4, line 8.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

19. Page 4, line 11.

Following: "county"

Strike: "clerk and recorder"

Insert: "attorney"

20. Page 4, lines 15 through 20.

Strike: subsection (3) in its entirety

Insert: "(3) The county attorney shall notify the clerk of the district court when a certificate of registration is suspended, revoked, or reinstated."

21. Page 4, line 25.

Following: "section"

Strike: "4"

Insert: "5"

ROLL CALL VOTE

SENATE COMMITTEE _____ LOCAL GOVERNMENT _____

Date March 24, 1987 Bill No. HB 639 Time 2p.m.

NAME	YES	NO
BRUCE CRIPPEN	X	
R. J. PINSONEAULT	X	
TOM BECK		
DOROTHY ECK	X	
H. "SWEDE" HAMMOND		X
ETHEL HARDING		X
LES HIRSCH	X	
PETER STORY		X
ELEANOR VAUGHN	X	
MIKE WALKER	X	

Rosemary Jacoby
Secretary

Bruce Crippen
Chairman

Motion: Amendments requested by the sponsors
moved by Sen. Eck

STANDING COMMITTEE REPORT

scrnb639.txt

March 14, 1987

MR. PRESIDENT

Local Government

We, your committee on.....

House Bill

639

having had under consideration..... No.....

third

blue

reading copy (.....)

color

Corne (Pinsoneault)

PROVIDE FOR REGISTERED PROCESS SERVER

Respectfully report as follows: That..... House Bill..... No..... 639.....

AMENDING LOCAL GOVERNMENT STANDING COMMITTEE REPORT, DATED MARCH 10, 1987

1. Strike: inserted material in amendment no. 5 in its entirety.

Insert: NEW SECTION. Section 4. Handbook for process servers.

(1) The department of commerce shall publish a handbook for process servers and levying officers.

(2) Any person who applies to the clerk of the district court of any county for registration as a process server must demonstrate that he has passed an examination based on the handbook and administered by the board of private security patrolmen and investigators provided for in 2-15-1391.

(3) The department of commerce may charge a reasonable examination fee to cover the costs of publishing the handbook and administering the examination provided for in this section.

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

2. Strike: amendment no. 22 in its entirety.

AND AS AMENDED,
BE CONCURRED IN

DO PASS

DO NOT PASS

Chairman.

Senator Grippen